

REMARKS

Summary of Amendments

Claims 33, 34, 38 and 41 have been rewritten in independent form to include all of the limitations of their base claims and intervening claims, and have been revised for brevity as appropriate.

Those base and intervening claims, i.e., claims 2, 10, 28, 37 and 40, have accordingly been canceled. Meanwhile, claims 3 and 13, as well as claims 1, 4-9, 17, 18, 21, 27, 31, 32, 35, 36 and 39, were canceled by Applicant's amendments of March 17, 2008 and December 15, 2008, respectively. In addition, all other claims not indicated in the March 18, 2009 Office action as conditionally being allowable, i.e., claims 11, 12, 14-16, 19, 20, 22-26, 29, 30 and 42, have now been canceled.

Accordingly, 33, 34, 38 and 41 remain as the pending claims.

Inasmuch as one independent claim in excess of three is now pending, and to date only fees for total claims in excess of twenty have been paid, accompanying the EFS submission of the instant paper is an authorization to charge to a credit card the \$220 fee under 37 C.F.R. § 1.16(h) for each independent claim in excess of three.

Claim Objections

Claim 2 was objected to because the word "dispersed" was, upon reconsideration, deemed to be potentially troublesome as regards clarity in defining Applicant's invention.

Although claim 2 has been canceled, by the present amendment the rewriting of claims 33, 34, 38 and 41 has in each case incorporated the limitations of claim 2 but has accordingly removed the word "dispersed."

Hence, it is believed that the required appropriate correction has been made.

Claim Rejections – 35 U.S.C. § 103

Claims 2, 10-12, 14-16, 19, 20, 22-26, 28-30, 37, 40 and 42: Barrera '706

Claims 2, 10-12, 14-16, 19, 20, 22-26, 28-30, 37, 40 and 42 were rejected as being unpatentable over U.S. Pat. App. Pub. No. 2004/0029706 in the name of Barrera, in combination with alleged knowledge of one of ordinary skill in the art.

By the present amendment, Applicant has canceled claims 2, 10-12, 14-16, 19, 20, 22-26, 28-30, 37, 40 and 42 without prejudice—in particular, without thereby implying acquiescence as to the propriety of the rejections.

Allowable Subject Matter

Applicant gratefully acknowledges that claims 33, 34, 38 and 41 were indicated as being allowable if rewritten independent form to include all of the limitations of their base claims and intervening claims.

Claims 33, 34, 38 and 41 have been thus rewritten.

Conclusion

Accordingly, Applicant courteously urges that this application is in condition for allowance. Reconsideration and withdrawal of the rejections is requested. Issuance of a Notice of Allowability by the Examiner at an early date is earnestly solicited.

Respectfully submitted,

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